

USDC SDNY
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March 8, 2023

Re: *United States v. Spencer*, 20 Cr. 78 (AT)

Hon. Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Dear Judge Torres:

Sentencing for Mr. Nyshiem Spencer is set for July 5, 2023. See ECF No. 423. We write to seek a three-month adjournment of the sentencing date as well as a continuance of the first and final disclosure of the presentence report.

During Mr. Spencer's presentence report interview this morning, certain issues were raised regarding Mr. Spencer's mental health that require acute attention, and that are not yet in place. As the Court knows, Mr. Spencer has been incarcerated since August 2018, and has not had access to adequate mental health care during his incarceration by the New York State Department of Corrections and Community Supervision and during his detention at the Metropolitan Detention Center. These issues need to be investigated and addressed before USPO Stephanie McMahon writes and publishes the first disclosure of the presentence report.

So that we may properly prepare for sentencing, we request an adjournment of the presentence report disclosure date, as well as an adjournment of subsequent deadlines:

- Draft Presentence Report Disclosure: July 3, 2023
- Final Presentence Report Disclosure: July 28, 2023
- Sentencing: October 5, 2023

The government does not object to this request.

We thank the Court for its time and consideration.

Respectfully submitted,

GRANTED. The sentencing scheduled for July 5, 2023, is ADJOURNED to **October 10, 2023**, at **11:00 a.m.**

SO ORDERED.

Dated: March 9, 2023
New York, New York



ANALISA TORRES
United States District Judge